

# HOUSE JOURNAL

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SEVENTY-FIFTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

FIFTY-THIRD DAY (CONTINUED) — FRIDAY, APRIL 18, 1997

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 178).

Present — Mr. Speaker; Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Absent, Excused — Giddings; Horn; Junell; Smithee.

The invocation was offered by Jose Luis Reyna, Jr., pastor, Templo Monte de Sion Baptist Church, Mesquite.

### **LEAVES OF ABSENCE GRANTED**

The following members were granted leaves of absence for today because of important business:

Giddings on motion of S. Turner.

Horn on motion of E. Reyna.

Smithee on motion of Delisi.

Junell on motion of Delisi.

### **BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 36 and Senate List No. 11).

### CAPITOL PHYSICIAN

The speaker recognized Representatives Rangel and Cook who presented Dr. Jose Ugarte of Kingsville as the "Doctor for the Day."

The house welcomed Dr. Ugarte and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

### MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

### INTRODUCTION OF GUESTS

The speaker recognized Representative West, who introduced members of J. W. "Jim" Spencer, Jr.'s, family: his wife, Frances Spencer; his son, Jay Spencer; and his daughter, Susie Bullington.

**HCR 170**, in memory of J. W. "Jim" Spencer, Jr., having been previously adopted, was read.

### **HR 646 - ADOPTED** (by Palmer)

Representative Palmer moved to suspend all necessary rules to take up and consider at this time **HR 646**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**HR 646**, Commemorating the 50th anniversary of John Knox Presbyterian Church.

**HR 646** was adopted without objection.

### **HR 647 - ADOPTED** (by Palmer)

Representative Palmer moved to suspend all necessary rules to take up and consider at this time **HR 647**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**HR 647**, Congratulating Arthur and Olive Hart on the occasion of their 60th wedding anniversary.

**HR 647** was adopted without objection.

**HR 648 - ADOPTED**  
**(by Palmer)**

Representative Palmer moved to suspend all necessary rules to take up and consider at this time **HR 648**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**HR 648**, Congratulating Hosie and Lauris Butler on their 50th wedding anniversary.

**HR 648** was adopted without objection.

**SCR 70 - ADOPTED**  
**(Patterson - House Sponsor)**

Representative Patterson moved to suspend all necessary rules to take up and consider at this time **SCR 70**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**SCR 70**, Honoring The Bartley-Woods School in Fannin County.

**SCR 70** was adopted without objection.

**HR 655 - ADOPTED**  
**(by G. Lewis)**

Representative G. Lewis moved to suspend all necessary rules to take up and consider at this time **HR 655**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**HR 655**, Granting permission for the Texas Legislative Internship Program to use the house chamber on Saturday, April 26, 1997, for the 1997 Youth Town Hall Meeting.

**HR 655** was adopted without objection.

(Speaker pro tempore in the chair)

**CONGRATULATORY AND MEMORIAL CALENDAR**

The chair laid before the house the following memorial resolutions:

**HCR 178** (by West), In memory of Ryan Freeman.

**HR 480** (by Carter), In memory of Corinne Farmer.

**HR 481** was withdrawn.

**HR 482** was withdrawn.

**HR 483** was withdrawn.

**HR 491** (by Greenberg), In memory of Shirley Wood McPhail.

**HR 492** was withdrawn.

**HR 508** (by Siebert), In memory of Robert Witt Steves.

**HR 521** (by Kamel), In memory of Ruth Hambrick Reynolds.

**HR 531** (by Torres, et al.), In memory of Moses "Moe" Marin Sanchez.

**HR 536** (by Maxey and Naishtat), In memory of Mary Frances Baylor.

**HR 538** (by Siebert), In memory of Ruth L. Latham.

**HR 545** (by Uher), In memory of Samuel Dock Gupton.

**HR 546** (by Uher), In memory of James Thomas "Tom" Bolling.

**HR 547** (by Uher), In memory of Helen Elster Stuhrenberg.

The resolutions were unanimously adopted by a rising vote.

#### **HR 480 - NAMES ADDED**

On motion of Representative Edwards, the names of all the members of the house were added to **HR 480** as signers thereof.

#### **HR 590 - ADOPTED**

The chair laid before the house the following resolution:

**HR 590**, In memory of Lieutenant Colonel James A. Howden.

**HR 590** was read and was unanimously adopted by a rising vote.

On motion of Representative Raymond, the names of all the members of the house were added to **HR 590** as signers thereof.

#### **INTRODUCTION OF GUESTS**

The chair recognized Representative Siebert, who introduced members of Colonel Howden's family: his wife, Anita; his son and daughter-in-law Robert and Jana; and two of his grandchildren, Spence and Connor.

#### **CONGRATULATORY AND MEMORIAL CALENDAR (consideration continued)**

The chair laid before the house the following congratulatory resolutions:

**HCR 179** (by Kuempel), Commending National Resources Foundation of Texas.

**HCR 180** (by Kuempel), Designating the first week of April 1997 as Texas Natural Resources Week.

**SCR 59** (Hunter - House Sponsor), Recognizing March 26, 1997, as Texas Women Veterans Day.

**SCR 61** (Roman - House Sponsor), Declaring April 2, 1997, as Texas Higher Education Day.

**SCR 62** (D. Jones - House Sponsor), Designating April 1, 1997, as Lubbock Day at the State Capitol.

**SCR 64** (Palmer - House Sponsor), Commending Texas Congress of Parents and Teachers on the occasion of its 88th anniversary celebration.

**SCR 65** (B. Turner - House Sponsor), Encouraging all Texans to observe Former Prisoners of War Recognition Day on April 9, 1997.

**HR 465** (by Zbraneek), Congratulating the Silsbee High School girls' basketball team.

**HR 466** was previously adopted.

**HR 467** (by Zbranek), Congratulating the Kountze High School Lions boys' basketball team.

**HR 470** (by Serna), Congratulating Roberto and Esther Navarro on the occasion of their 52nd wedding anniversary.

**HR 471** (by Serna), Congratulating Juan and Ofelia Arellano on the occasion of their 52nd wedding anniversary.

**HR 472** (by McClendon), Honoring Dr. James L. Hadnott.

**HR 473** (by McClendon), Honoring Dr. Joseph A. Pierce, Jr.

**HR 474** (by McClendon), Congratulating Dr. Frank Bryant on his receipt of the Outstanding Citizenship Award.

**HR 475** (by Moreno), Granting honorary Texas citizenship to the visiting delegation of the Guanajuato Exchange Program.

**HR 478** (by Alexander), Congratulating the Malakoff Lady Tigers on their exceptional season.

**HR 489** (by Solis and Flores), Congratulating Bruce Flagg on his graduation from Texas State Technical College in Harlingen.

**HR 494** (by Wilson), Honoring Felicia Moon.

**HR 496** (by Kubiak), Congratulating E. L. "Doc" Farrell and Jolene Farrell on their 50th wedding anniversary.

**HR 498** (by Junell), Congratulating Glen Evelyn Hallmark Dunn on the occasion of her 80th birthday.

**HR 500** (by Laney), Congratulating the Whiteface High School Lady Lopes on winning the Class 1A State Basketball Championship.

**HR 501** (by Laney), Congratulating the Nazareth High School Swifts boys' basketball team.

**HR 502** (by Laney), Congratulating the Tulia High School Hornets on their outstanding season.

**HR 504** (by Counts), Congratulating Lacy Headrick on his 90th birthday.

**HR 512** (by McClendon), Congratulating Collins and Jerlean Shular on their 30th wedding anniversary.

**HR 513** (by McClendon), Honoring Ruby Fosha Archfield for her service to the community.

**HR 514** (by McClendon), Honoring the Reverend Claude W. Black and ZerNona Black for their 48 years of service to Mount Zion First Baptist Church.

**HR 515** (by McClendon), Honoring the Reverend Ruben Louis Archfield, Sr., for his service to the Christian ministry.

**HR 518** (by Kamel), Commemorating the 50th anniversary of St. Gregory's Elementary School in Tyler.

**HR 519** (by Kamel), Honoring Caldwell Zoo in Tyler.

**HR 520** (by Kamel), Commemorating the Texas Rose Festival.

**HR 522** (by Kamel), Commending the Heart of Tyler/Main Street Project.

**HR 523** (by Kamel), Honoring Al Harris on his retirement.

**HR 524** (by Kamel), Commemorating the 10th Annual Cattle Barons' Gala.

**HR 525** (by Maxey), Honoring Florence Ponziano.

**HR 527** (by West), Recognizing April 5, 1997, as Desert Squadron Fly-In Day in Ector County.

**HR 530** (by Hilderbran), In memory of Eddie Ray Easter, Sr.

**HR 537** (by Van de Putte), Honoring San Antonio police officer RoseMary Reyna Flammia on her promotion to the rank of captain.

**HR 539** (by Clark), Congratulating Jack and Dottie Sue Rollins on their 50th wedding anniversary.

**HR 540** (by Clark), Congratulating Gene and Betty Jo Cantrell on the occasion of their 50th wedding anniversary.

**HR 541** (by Clark), Congratulating Ray and Lorelle Dodson on the occasion of their 50th wedding anniversary.

**HR 542** (by Clark), Congratulating John and Martha Biggerstaff on the occasion of their 50th wedding anniversary.

**HR 543** (by Clark), Congratulating Troy and Laverne Edmiaston on their 50th wedding anniversary.

**HR 544** (by Clark), Honoring Mr. and Mrs. Glenn Weidner on the occasion of their 50th wedding anniversary.

**HR 549** (by Uher), Congratulating Vevi Stevens on the occasion of her 90th birthday.

**HR 550** (by Uher), Congratulating Hoechst Celanese Corporation on its receipt of a Supplier Excellence Award from Exxon Chemical Americas.

**HR 588** (by Kamel), Honoring Marshall Neill on the occasion of his retirement as superintendent of the Whitehouse Independent School District.

**HR 592** (by Kuempel), Commemorating Comal County VolunteerFest '97 and recognizing Comal County as the Volunteer Capital of Texas.

**HR 593** (by Davis), Honoring J. D. Hurd on receiving the 1997 Oak Cliff Good Samaritan Award.

The resolutions were adopted without objection.

## **LOCAL, CONSENT, AND RESOLUTIONS CALENDAR**

### **LOCAL CALENDAR SECOND READING**

The following bills were laid before the house, read second time, and

passed to third reading (members registering votes are shown following the caption):

**HB 259** (by West), A bill to be entitled An Act relating to municipal courts of record in Odessa.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Zbranek, Representative West offered the following committee amendment to **HB 259**:

Amend **HB 259** on page 4, lines 2 through 9, to read as follows:

"(b) All proceedings in a municipal court of record shall be recorded by a good quality electronic recording device and the recording kept and stored for not less than 20 days. The proceedings that are appealed shall be transcribed from the recording by an official ~~[by a]~~ court reporter."

Amendment No. 1 was adopted without objection.

**Amendment No. 2 (Committee Amendment No. 2)**

On behalf of Representative Zbranek, Representative West offered the following committee amendment to **HB 259**:

Amend **HB 259** as follows:

- (1) on page 8, line 7, insert "or state" between "defendant" and "must";
- (2) on page 8, line 19, insert "or state" between "defendant" and "shall";
- (3) on page 9, line 15, strike "defendant" and substitute in lieu thereof "appellant";
- (4) on page 9, line 26, strike "defendant or the defendant's" and substitute in lieu thereof "appellant or appellant's";
- (5) on page 10, line 20, strike "defendant or the defendant's" and substitute in lieu thereof "appellant or appellant's";
- (6) on page 10, line 22, strike "city attorney or an assistant or deputy city" and substitute in lieu thereof "appellee or appellee's"; and,
- (7) on page 10, line 23, strike "city attorney or an assistant or deputy city" and substitute in lieu thereof "appellee or appellee's";

Amendment No. 2 was adopted without objection.

**Amendment No. 3 (Committee Amendment No. 3)**

On behalf of Representative Zbranek, Representative West offered the following committee amendment to **HB 259**:

Amend **HB 259** as follows:

- (1) On page 9, line 15, strike "defendant" and substitute "appellant".
- (2) On page 9, line 16, insert the following after the period: "If the appellant is the defendant and the case is reversed on appeal, the court shall promptly refund the cost to the defendant."

Amendment No. 3 was adopted without objection.

**HB 2555** (by Solomons), A bill to be entitled An Act relating to the creation of two county criminal courts in Denton County.

**HB 3507** (by Merritt), A bill to be entitled An Act relating to granting the Gregg County Court at Law jurisdiction in family law matters.

**HB 3541** (by Gray), A bill to be entitled An Act relating to the statutory probate court of Galveston County.

### **CONSENT CALENDAR SECOND READING**

The following bills were laid before the house, read second time, and passed to third reading (members registering votes are shown following the caption):

**HB 164** was withdrawn and, pursuant to Rule 6, Section 24, of the House Rules, was returned to the Committee on Calendars.

**CSHB 251** (by Cuellar), A bill to be entitled An Act relating to creating a license for the storage of imported beer, ale, and malt liquor.

**HB 254** (by Denny), A bill to be entitled An Act relating to allowing the placement of directional signs for small businesses along certain highways.

**HB 292** was withdrawn and, pursuant to Rule 6, Section 24, of the House Rules, was returned to the Committee on Calendars.

**HB 384** (by Pitts, Rhodes, and Gutierrez), A bill to be entitled An Act relating to the disclosure in a contract for the transfer of vacant land of certain information, including information concerning the imposition of additional taxes on the land.

**CSHB 385** (by Krusee), A bill to be entitled An Act relating to the service areas of certain public junior colleges.

**HB 455** was withdrawn.

**CSHB 463** (by Zbranek), A bill to be entitled An Act relating to the use of hotel occupancy tax revenue by certain counties that border the Gulf of Mexico.

**HB 657** (by Craddick), A bill to be entitled An Act relating to the privilege against disclosure of certain communications by emergency stress management volunteers.

**CSHB 729** (by Van de Putte), A bill to be entitled An Act relating to the facilities covered by and the emergency authority of the Texas Department of Health under the lead abatement law.

**HB 802** was withdrawn and, pursuant to Rule 6, Section 24, of the House Rules, was returned to the Committee on Calendars.

**CSHB 818** (by Cuellar and Dukes), A bill to be entitled An Act relating to a study of the incidence of dual supervision of certain persons by the pardons and paroles division of the Texas Department of Criminal Justice and community supervision and corrections departments.

**HB 922** (by Driver and Counts), A bill to be entitled An Act relating to the board of directors of the Life, Accident, Health, and Hospital Service Insurance Guaranty Association.



**HB 996** (by Hunter, et al.), A bill to be entitled An Act relating to the disposition of the records of an abolished local government.

**HB 1062** (by Hunter, Wise, et al.), A bill to be entitled An Act relating to access to criminal history record information by the Texas State Library and Archives Commission.

**HB 1126** (by Thompson), A bill to be entitled An Act relating to the sale or distribution of the property of minors and certain wards.

**Amendment No. 1 (Committee Amendment No. 1)**

Representative Hartnett offered the following committee amendment to **HB 1126**:

Amend **HB 1126** as follows:

On page 3, line 11 between the word "the" and the word "value", insert the word "net".

On page 4, line 1 delete the word "that" and substitute in lieu thereof the following: and the net value of the interest.

Amendment No. 1 was adopted without objection.

**Amendment No. 2 (Committee Amendment No. 2)**

Representative Hartnett offered the following committee amendment to **HB 1126**:

Amend **HB 1126** as follows:

(1) On page 3, line 9, strike "Section 889(a), Texas Probate Code, is" and substitute "Sections 889(a) and (b), Texas Probate Code, are".

(2) On page 3, between lines 17 and 18, insert the following:

(b) The parent shall apply to the court under oath for the sale of the property. Venue for the application under this section is the same as venue for an application for the appointment of a guardian for a minor. The application must contain:

(1) a legal description of the real property and a description that identifies the personal property;

(2) the name and social security number, if any, of the minor and the minor's interest in the property;

(3) the name of the purchaser;

(4) a statement that the sale of the minor's interest in the property is for cash; and

(5) a statement that all funds received by the parent shall be used for the use and benefit of the minor.

Representative Hartnett moved to table Amendment No. 2.

The motion to table prevailed.

**HB 1135** (by Kubiak), A bill to be entitled An Act relating to the fees required of certain persons who practice public accountancy.

**HB 1177** (by Hochberg), A bill to be entitled An Act relating to certain categories of leave for state employees.

**HB 1178** (by Holzheuser), A bill to be entitled An Act relating to the applicability of production limitations to certain marginal gas wells.

**HB 1306** (by E. Reyna), A bill to be entitled An Act relating to the payment of certain motor vehicle registration fees for a period longer than 12 months.

**CSHB 1312** (by Naishtat), A bill to be entitled An Act relating to modification of an order for outpatient mental health services and the temporary detention of a patient pending hearing on the modification.

**SB 553** (Bonnen and Uher - House Sponsors), in lieu of **HB 1478**, A bill to be entitled An Act relating to the designation of a portion of State Highway 35 as the Stephen F. Austin Memorial Highway.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Uher, Representative Bonnen offered the following committee amendment to **SB 553**:

Amend **SB 553** as follows:

In Section 1, on Page 1, line 7, replace "Matagorda, Brazoria, and Harris" with "Matagorda and Brazoria".

Amendment No. 1 was adopted without objection.

Representative Bonnen moved to lay **HB 1478** on the table subject to call.

The motion prevailed without objection.

**CSHB 1504** (by Dutton), A bill to be entitled An Act relating to the reimbursement of jurors.

**CSHB 1532** (by Woolley), A bill to be entitled An Act relating to refusing to register a vehicle for a person who owes a fine, fee, or tax to certain counties.

**Amendment No. 1**

On behalf of Representative Carter, Representative Woolley offered the following amendment to **CSHB 1532**:

Amend **CSHB 1532** on page 2, by striking lines 11-12 and substituting the following:

(g) In this section:

(1) a fine, fee, or tax is considered past due if it is unpaid 90 or more days after the date it is due; and

(2) registration of a motor vehicle includes renewal of the registration of the vehicle.

Amendment No. 1 was adopted without objection.

**CSHB 1555** (by Greenberg, Swinford, Naishtat, and Coleman), A bill to be entitled An Act relating to inspection of certain child-care facilities.

**HB 1567** (by Van de Putte and Longoria), A bill to be entitled An Act relating to charitable organizations created by certain hospital districts.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative R. Lewis, Representative Van de Putte offered the following committee amendment to **HB 1567**:

Amend **HB 1567** on page 1 by striking lines 17 through 21.  
Renumber subsequent sections of Sec. 281.0565.

Amendment No. 1 was adopted without objection.

**HB 1596** (by Hochberg), A bill to be entitled An Act relating to unlicensed personal care facilities.

**HB 1673** (by Hunter, et al.), A bill to be entitled An Act relating to payment of per diem to members of the Texas State Library and Archives Commission.

**HB 1782** (by Counts, et al.), A bill to be entitled An Act relating to professional services in regard to certain state and local contracts and fund management. (Finnell recorded voting no)

**CSHB 1798** (by Wise), A bill to be entitled An Act relating to recommendations for hospitals relating to missing infants. (Clark and Isett recorded voting no)

**HB 1808** (by Counts), A bill to be entitled An Act relating to the confidentiality of certain information obtained by the State Soil and Water Conservation Board or a soil and water conservation district.

**HB 1811** (by Hunter, et al.), A bill to be entitled An Act relating to the Texas State Library and Archives Commission and the creation of the Texas Historical Records Advisory Board.

**HB 1875** (by Glaze), A bill to be entitled An Act relating to the imposition and use of certain fees imposed on certain milk and milk products.

**HB 1879** (by Thompson), A bill to be entitled An Act relating to the rendition of property for ad valorem taxation.

**HB 1960** was withdrawn.

**HB 1965** (by Kuempel), A bill to be entitled An Act relating to the creation of the constitutional office of criminal district attorney of Comal County, to the abolition of the office of the county attorney in Comal County, and to the abolition of the office of the district attorney for the 22nd Judicial District.

**HB 2061** was withdrawn and, pursuant to Rule 6, Section 24, of the House Rules, was returned to the Committee on Calendars.

**HB 2131** (by Hunter), A bill to be entitled An Act relating to the title to materials and equipment in the state library system.

Representative Hunter moved to postpone consideration of **HB 2131** until 10 a.m. Friday, April 25.

The motion prevailed without objection.

**CSHB 2138** (by Hawley), A bill to be entitled An Act relating to the standards for certain equipment on vehicles.

**CSHB 2141** (by Keel), A bill to be entitled An Act relating to the seizure and sale of certain property by certain municipalities.

**HB 2145** (by Solis), A bill to be entitled An Act relating to removal of certain persons from the pool of prospective jurors.

**HB 2156** (by Solis), A bill to be entitled An Act relating to counties contracting for the combination of lists for a jury pool.

**HB 2185** (by Goolsby), A bill to be entitled An Act relating to the collection of certain warrants or checks issued by a county treasurer.

**HB 2220** (by B. Turner), A bill to be entitled An Act relating to the disclosure by the Texas Department of Transportation of information pertaining to persons who subscribe to Texas Highways magazine or purchase certain promotional items from the department.

**HB 2271** (by Thompson), A bill to be entitled An Act relating to the liability of certain persons concerning abandoned property.

**HB 2286** (by Corte), A bill to be entitled An Act relating to the selection of public members and the functions of a county salary grievance committee.

**HB 2327** (by Allen), A bill to be entitled An Act relating to the terms of tax abatement agreements entered into by the Dallas County Flood Control District No. 1.

**CSHB 2348** (by Seaman), A bill to be entitled An Act relating to the operation of the Jackson County Hospital District.

**HB 2353** (by Finnell), A bill to be entitled An Act relating to rural rail transportation districts.

### **MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).

### **CONSENT CALENDAR (consideration continued)**

**HB 2492** (by McClendon), A bill to be entitled An Act relating to the duties of the chief personnel officer of certain counties.

**HB 2499** (by Patterson, Cook, Swinford, and Flores), A bill to be entitled An Act relating to the family farm and ranch finance program.

**HB 2509** (by Hilderbran), A bill to be entitled An Act relating to a pilot program for the treatment of Alzheimer's patients.

**HB 2563** (by Cook), A bill to be entitled An Act relating to limiting the time within which certain water districts are required to hold confirmation elections. (B. Turner recorded voting no)

**HB 2569** (by Woolley), A bill to be entitled An Act relating to the filing of a certain instrument and registration of a trademark or service mark with the secretary of state; providing a criminal penalty.

**HB 2601** (by Wohlgemuth and Hilderbran), A bill to be entitled An Act relating to regulating personal care facilities; providing for a civil penalty.

**HB 2688** (by Cook), A bill to be entitled An Act pertaining to the execution of documents on behalf of certain water districts.

**HB 2689** (by Cook), A bill to be entitled An Act relating to estimates of, and delinquent assessments for, maintenance and operating expenses in certain water districts.

#### **Amendment No. 1**

Representative Cook offered the following amendment to **HB 2689**:

Amend **HB 2689** as follows:

(1) In Section 1 of the bill, to Section 51.313, Water Code, (page 2, line 6), between "of" and "15", insert "up to".

(2) In Section 2 of the bill, to Section 55.363, Water Code, (page 3, line 12), between "of" and "15", insert "up to".

(3) In Section 3 of the bill, to Section 58.313, Water Code, (page 4, line 17), between "of" and "15", insert "up to".

Amendment No. 1 was adopted without objection.

**HB 2696** (by Gallego), A bill to be entitled An Act relating to contracts executed by and the election of the board of directors of the Val Verde County Hospital District.

**HB 2721** (by Hunter, Cuellar, Price, and Rangel), A bill to be entitled An Act relating to the TexShare library consortium.

#### **Amendment No. 1**

On behalf of Representative Davis, Representative Hunter offered the following amendment to **HB 2721**:

Amend **HB 2721** as follows:

(1) On page 4, between lines 22 and 23, insert the following appropriately numbered section:

SECTION \_\_\_\_\_. The Texas State Library and Archives Commission shall establish and maintain the TexShare library consortium, as required by this Act, to the extent of available appropriations.

(2) Renumber the sections of the bill accordingly.

Amendment No. 1 was adopted without objection.

**HB 2769** (by Goolsby), A bill to be entitled An Act relating to the county depository and depositories for certain trust funds.

**HB 2779** (by Junell), A bill to be entitled An Act relating to requiring the office of the attorney general to defend local community supervision and corrections departments in certain suits brought against them.

**HB 2832** (by Gallego), A bill to be entitled An Act relating to the authority of certain counties to impose a county hotel occupancy tax.

**CSHB 2920** (by Hodge), A bill to be entitled An Act relating to the operation of museums and historic sites in certain counties by nonprofit organizations.

**HB 2964** (by Sadler), A bill to be entitled An Act relating to the administration of county roads in Panola County.

**HB 3025** (by Brimer), A bill to be entitled An Act relating to parking fees imposed by a governmental authority.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Siebert, Representative Brimer offered the following committee amendment to **HB 3025**:

Amend **HB 3025** as follows:

(1) On page 1, between lines 15 and 16, insert a new section of the bill to read as follows:

"SECTION 2. Section 681.006, Transportation Code, is amended by adding a new subsection (e) as follows:

(e) Nothing in this Code shall be interpreted as exempting any owner or operator of a vehicle from payment of fees or penalties imposed by a governmental unit for parking at a meter, in a parking garage or lot, or in a space located within the boundaries of a municipal airport."

(2) Renumber remaining Sections of the bill appropriately.

Amendment No. 1 was adopted without objection.

**CSHB 3043** (by Gallego), A bill to be entitled An Act relating to the authority of certain counties to impose a hotel occupancy tax.

**Amendment No. 1**

On behalf of Representative Carter, Representative Gallego offered the following amendment to **CSHB 3043**:

Amend **CSHB 3043** (House Committee Report, First Printing) as follows:

(1) On page 2, line 13, after the semicolon, insert "and".

(2) On page 2, strike lines 16-18 and substitute "acres."

(3) On page 2, line 20, strike ", (12), or (13)" and substitute ", or (12)".

(4) On page 2, line 24, strike "Subsections (d) and (e)" and substitute "Subsection (d)".

(5) On page 3, strike lines 1-3.

Amendment No. 1 was adopted without objection.

**CSHB 3065** (by King), A bill to be entitled An Act relating to the eligibility of lending institutions to participate in the linked deposit program established in the Department of Agriculture.

**HB 3125** (by Davila), A bill to be entitled An Act relating to student participation in the selection or retention of food service providers at institutions of higher education. (Clark, Craddick, Finnell, Isett, and Keffer voting no)

**HB 3159** (by Hilbert), A bill to be entitled An Act relating to cancellation of certain contracts under the Health Spa Act.

**HB 3203** (by Counts), A bill to be entitled An Act relating to the disposition of unclaimed funds by nonprofit cooperative corporations.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Corte, Representative Counts offered the following committee amendment to **HB 3203**:

On page 9, strike the semicolon after "organized" on line 7 and new subsection 19 on lines 8 and 9 and substitute the following:

organized, including such other or additional purpose or purposes as may be engaged in by a corporation organized under Article 2.01, Texas Non-Profit Corporation Act.

Amendment No. 1 was adopted without objection.

**HB 3252** (by Finnell), A bill to be entitled An Act relating to safety regulations for certain contract carriers.

**HB 3279** (by Counts), A bill to be entitled An Act relating to charges for access to Texas Workers' Compensation Commission information.

**HB 3478** (by Gallego), A bill to be entitled An Act relating to the designation of a portion State Highway 35 as the John B. Coleman Memorial Highway. (Clark, Galloway, Isett, Marchant, Shields, and Wohlgemuth recorded voting no)

**HB 3547** (by D. Jones), A bill to be entitled An Act relating to the powers of the White River Municipal Water District.

**CSSB 92** (Gray - House Sponsor), A bill to be entitled An Act relating to the authority of the Bayview Municipal Utility District of Galveston County to install and assess for street lighting.

**SB 192** (Naishtat, Greenberg, Maxey, Dukes, and Keel - House Sponsors) A bill to be entitled An Act relating to benefits under, eligibility for benefits under, and investment of surplus funds of retirement systems for firefighters in certain municipalities.

**CSSB 243** (Eiland - House Sponsor), A bill to be entitled An Act relating to liability of a parent for property damage to a hotel caused by a child.

**CSSB 263** (Cuellar and Shields - House Sponsors), A bill to be entitled An Act relating to the creation of an appellate judicial system for the Fourth Court of Appeals District.

**SB 407** (Van de Putte, Chisum, Rodriguez, and Janek - House Sponsors) A bill to be entitled An Act relating to minimum standards, records, suspension or revocation of a license, and administrative penalties for abortion facilities.

**CSSB 415** (Olivo, et al. - House Sponsors), A bill to be entitled An Act relating to associate judges appointed by the district courts and county courts at law of Fort Bend County.

**SB 422** (Driver - House Sponsor), A bill to be entitled An Act relating to the licensure of a hospital with multiple premises under a single license and the provision of certain services by licensed hospitals.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Berlanga, Representative Driver offered the following committee amendment to **SB 422**:

Amend **SB 422**, SECTION 1, Sec. 241.003(2) as follows:

Insert the word "comprehensive" between the words "providing" and "medical".

Amend SECTION 3 of **SB 422** by amending Section 241.026(c), Health and Safety Code, to read as follows:

(c) Upon the recommendation of the hospital licensing director and the council, the board by order may waive or modify the requirement of a particular provision of this Act or minimum standard adopted by board rule under this section to ~~[a particular special hospital or]~~ a particular general or special hospital ~~[serving a rural community]~~ if the board determines that the waiver or modification will facilitate the creation or operation of the hospital and that the waiver or modification is in the best interests of the individuals served or to be served by the hospital.

Amendment No. 1 was adopted without objection.

### **Amendment No. 2**

On behalf of Representative Siebert, Representative Driver offered the following amendment to **SB 422**:

Amend **SB 422** by deleting all of Section 2, on page 4, lines 16-19, and renumbering sections that follow accordingly.

Amendment No. 2 was adopted without objection.

**SB 454** (D. Jones - House Sponsor), A bill to be entitled An Act relating to the definition of a record for records management and archival purposes.

**SB 463** (Uher - House Sponsor), A bill to be entitled An Act relating to the designation of State Highway 6 as the Texas Korean War Veterans Memorial Highway.

**SB 544** (Driver - House Sponsor), A bill to be entitled An Act relating to the procedure by which a municipality may dispose of certain land.

**SB 872** (Puente - House Sponsor), A bill to be entitled An Act relating to the retirement system for firefighters and police officers in certain municipalities.

**SB 1083** (Rhodes - House Sponsor), A bill to be entitled An Act relating to the drawing of names of prospective jurors.

## **RESOLUTIONS CALENDAR**

The chair laid before the house the following resolution:

**HCR 44** (by Delisi), Directing the Texas Department of Health, the Lyndon Baines Johnson School of Public Affairs, the Blackland Research Center, and the School of Rural Public Health, to study the role of local governments in providing public health services.

**HCR 44** was adopted without objection.

## **ADJOURNMENT**

Representative Carter moved that the house adjourn until 12:25 p.m. today.



The motion prevailed without objection.

The house accordingly, at 12:04 p.m., adjourned until 12:25 p.m. today.

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### **ADDENDUM**

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#### **SIGNED BY THE SPEAKER**

The following bills and resolutions were today signed in the presence of the house by the speaker:

**Senate List No. 11**

**SB 69, SB 855, SB 977**

**House List No. 36**

**HB 520, HB 680, HCR 77**

#### **MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

**Message No. 1**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Friday, April 18, 1997

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

**THE SENATE HAS PASSED THE FOLLOWING MEASURES:**

**SB 30**                      Zaffirini

Relating to fraud and improper payments under the state Medicaid program and other welfare programs; to the creation of private cause of action for false claims for certain government payments; and to the creation of a criminal offense; providing penalties.

**SB 433**                      Lucio

Relating to the first instructional day of a school year for public school students.

**SB 500**                      Zaffirini

Relating to the contents of a voter registration application.

**SB 735**                      West, Royce

Relating to the oversight of rail fixed guideway system safety.

**SB 753**                      Harris

Relating to the liability of the operator of a railroad.

**SB 786** Madla

Relating to the authority of pharmacists to administer immunizations and vaccinations.

**SB 877** Sibley

Relating to the regulation of the practice of dentistry.

**SB 892** Ellis

Relating to the formation of a commission to study issues relating to the consolidation of local governments.

**SB 920** Brown

Relating to the regulation of certain commercial crab fishing.

**SB 987** Moncrief

Relating to the use of excess money in the compensation to victims of crime fund.

**SB 1263** Ellis

Relating to requiring the Texas Workforce Commission, local workforce development boards and centers, and certain employers to provide tax assistance to certain individuals and families.

**SB 1306** Lucio

Relating to academic testing of students in proprietary schools.

**SB 1574** Madla

Relating to the health care provider network of the state Medicaid program health care delivery system.

**SB 1581** Carona

Relating to registration of and reporting by certain charitable organizations; providing penalties.

**SB 1722** West, Royce

Relating to municipal regulation of dangerous structures.

**SB 1824** Shapleigh

Relating to the formation of an integrated health care system by a hospital district and a medical school.

**SJR 33** Moncrief

Proposing a constitutional amendment relating to the dedication of the compensation to victims of crime fund and the compensation to victims of crime auxiliary fund.

Respectfully,

Betty King

Secretary of the Senate

**Message No. 2**

MESSAGE FROM THE SENATE  
SENATE CHAMBER

Austin, Texas

Friday, April 18, 1997 - 2

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**HCR 53**                      Pitts                      SPONSOR: Nelson  
Designating May 23, 1997, Special Olympics Day in Texas.

**SB 1487**                      Bivins  
Relating to the repeal of the in-state need lease restriction on the sale of casinghead gas or natural gas out of the state.

Respectfully,

Betty King  
Secretary of the Senate

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